

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

**BRANDON SMITH,
an individual,**

Plaintiff,

v.

Case 2:21-cv-02428-SHL-cgc

**LOEB BROS. REALTY, L.P.
a limited partnership,**

Defendant.

ORDER ON MOTION TO COMPEL

Before the Court, by way of Order of Reference (D.E. # 29), is Plaintiff Brandon Smith's ("Plaintiff") November 1, 2021 Motion to Compel (D.E. # 28). Defendant Loeb Bros. Realty L.P. ("Defendant") filed its response on November 15, 2021. (D.E. # 32) Plaintiff filed his reply without leave of court¹ on November 22, 2021. (D.E. # 36)

An Order was entered on January 20, 2022 which held resolution of this Motion in abeyance until January 31, 2022 to allow Defendant an opportunity to consider waiving its financial resources defense with respect to the readily achievable analysis. (D.E. # 53) Defendant responded that, while it was not inclined to waive any defenses, it would provide Plaintiff its "(i) balance sheets, income statements, cash flow statements, and statements of owners' equity for 2018, 2019 and 2020; and (ii) federal and state tax returns for 2018, 2019, and 2020" pursuant to a "protective order drafted jointly by counsel for the Plaintiff and Loeb." (D.E. # 55) Pursuant to notice, a status conference was held on February 4, 2022 with counsel

¹ Plaintiff filed a motion for leave to file a reply (D.E. # 35) at 6:07pm November 22, 2021 and filed the reply at 6:10pm that same day.

for Plaintiff and Defendant. After discussion with the parties, Plaintiff consented to receipt of the proposed documents as resolution of the motion.

Defendant is ORDERED to produce to Plaintiff its (i) balance sheets, income statements, cash flow statements, and statements of owners' equity for 2018, 2019 and 2020; and (ii) federal and state tax returns for 2018, 2019, and 2020 pursuant to a protective order drafted jointly by counsel for the Plaintiff and Defendant on or before February 11, 2022.

IT IS SO ORDERED this 4th day of February, 2022.

s/ Charmiane G. Claxton
CHARMIANE G. CLAXTON
UNITED STATES MAGISTRATE JUDGE